

Jordan



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Eastern Trans-Waste of Maryland, Inc.

File: B-234883

Date: April 19, 1989

DIGEST

Third low bidder, on a solicitation under which award was made to the low responsible, responsive bidder, is not an interested party under General Accounting Office Bid Protest Regulations to protest propriety of award to bidder which allegedly submitted an unbalanced bid, where protester has not also protested against any possible award to the intervening bidder.

DECISION

Eastern Trans-Waste of Maryland, Inc. (ETW), protests the award of a contract to Waste Management Industries (WMI), for collection, transportation, and disposal of solid waste, under solicitation No. GS-11P-89-MJC-0027, issued by the General Services Administration. ETW contends that WMI submitted an unbalanced bid which is therefore nonresponsive.

We dismiss the protest.

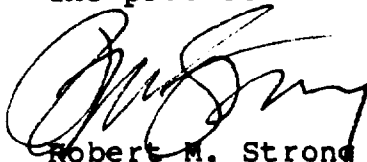
The agency has informed us that ETW is the third low bidder; that the second low bidder is considered responsible and responsive; and that the agency would award the second low bidder the contract if we were to sustain ETW's protest. ETW has not protested that the second low bidder is not eligible for the award.

Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 (Supp. IV 1986), and our Bid Protest Regulations, 4 C.F.R. § 21.1(a) (1988), a party must be "interested" in order to have its protest considered by our Office. A party is interested if its direct economic interest would be affected by the award or failure to award a contract, 4 C.F.R. § 21.0(a), which generally means that the protester

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is next in line for award of the contract if the challenged offeror is eliminated from the competition. Armament Engineering Co., B-228445, Feb. 8, 1988, 88-1 CPD ¶ 121. In applying this rule, we consistently have refused to consider the merits of a protest where the protester was other than the next lowest bidder and failed to challenge all bids that stood between the protester and the award. Professional Medical Products, Inc., B-231743, July 1, 1988, 88-2 CPD ¶ 2. Since ETW would not be in line for award if its protest were sustained, it is not an interested party under our Bid Protest Regulations.

The protest is dismissed.



Robert M. Strong
Associate General Counsel